“Every Legitimate Government is Republican”:
Rousseau’s Debt to and Departure from Montesquieu on Republicanism

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When Rousseau published the *Social Contract* in 1762, there was no more illustrious authority on politics than the Baron Montesquieu. Montesquieu’s *Spirit of the Laws* (*De l’Esprit des lois*) of 1748 fashioned the landscape of political thought over the next several decades and more, not just in France but across Europe and beyond to the shores of America. As Judith Shklar explains: “Montesquieu did for the latter half of the eighteenth century what Machiavelli had done for his century, he set the terms in which republicanism was to be discussed.”¹

Among Montesquieu’s earliest students was Rousseau. Rousseau was tasked by his employer at the time of the publication of the *Spirit of the Laws*, Madame Dupin, to undertake a close examination of the Baron’s work to help her prepare the critical responses she as well as her husband planned. Rousseau labored on this project during the year or so before he himself became an overnight celebrity with the publication in 1751 of his prize essay, the *Discourse on the Sciences and the Arts*. The imprint of Montesquieu is visible throughout Rousseau’s own writings. He pays him the ultimate compliment in his *Discourse on the Sciences and the Arts* of quoting him without attribution, as we shall see, and he refers approvingly to the “illustrious philosopher” in the *Discourse on Inequality* (1755) with regard to Montesquieu’s critique of Hobbes’ depiction of the state of nature.² Finally, and more to the present point for understanding the intellectual background of the *Social Contract*, Rousseau also draws on Montesquieu in his political treatise in several respects, including his acknowledged debt to his predecessor concerning the art of the legislator (II.11), his agreement with him that freedom is not the

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fruit of every climate (III.8), and the claim that population is a sign of good government (III.9). For Rousseau, Montesquieu is “an illustrious philosopher,”4 “a famous author,”5 and, as for everyone in his time, “the illustrious Montesquieu.”6

Nonetheless, despite his admiration for Montesquieu and his acknowledged debt to him, in the end Rousseau levels a decisive charge against him. He asserts that Montesquieu ultimately failed in his political theory because he lacked a fundamental principle by which to understand and judge political associations. Speaking in the Social Contract of Montesquieu’s claim that virtue was the principle of republics, a claim with which he agrees, he avers: “But for want of making the necessary distinction, this noble genius has often lacked precision, sometimes clarity, and he failed to see that since the sovereign authority is everywhere the same, the same principle should apply in every well-constituted state—to a greater or lesser degree, it is true, according to the form of government” (SC III.4). Or, as he explains earlier in the work, without explicit reference to Montesquieu but undoubtedly with him in mind: “Every legitimate government is republican” (SC II.6).

If Rousseau follows his illustrious predecessor in crucial respects with regard to republicanism, he departs from him in perhaps even more crucial respects. The purpose of the present study is to better understand Rousseau’s own republicanism in light of his debt to Montesquieu and his departure from him. We therefore begin with an analysis of Montesquieu’s treatment of republics in his Spirit of the Laws in order to identify the features of classical republicanism that would attract Rousseau and also to reveal Montesquieu’s ambivalence about the possibility and attractiveness of this republicanism. Montesquieu’s hesitations therefore become hurdles which Rousseau must surmount in his own attempt

3 See also Emile, or On Education, trans. Allan Bloom (New York: Basic Books, 1979), p.468: “The necessary relations between morals and government have been so well expounded in the book The Spirit of the Laws that one can do no better than have recourse to this work to study these relations,” including especially the issue of population.
5 Rousseau, On the Social Contract, III.4, in Major Political Writings, p.214. All subsequent references to the Social Contract (SC) will be parenthetical within the text by book and chapter.
6 Rousseau, Emile, p.458.
to revive republicanism on a new basis. The ways in which Rousseau creatively appropriates Montesquieu’s analysis of republics is the subject of the remainder of the present analysis.

**Montesquieu’s Republics**

If Rousseau is decidedly a republican theorist, is Montesquieu? Montesquieu has certainly been viewed as a republican thinker, especially given his famous and influential portrait in XI.6 of *Spirit of the Laws* of the constitution of England, which he earlier refers to as “a nation where the republic hides under the form of monarchy” (*SL* V.19). Likewise, many of Montesquieu’s followers considered him to be a republican thinker, or at least deployed his thought for republican ends, perhaps most notably the Federalists and Anti-Federalists who both appealed Montesquieu’s authority for their own visions of the proper constitution for the new nation. But what about Montesquieu himself?

We begin with the fact that Montesquieu categorizes republics as only one among three forms of government he will investigate in his great treatise: republics, monarchies, and despotisms. Moreover, Montesquieu might be said to speak not of a republic, in the singular, but of republics, in the plural—of various forms of republics: democracies and aristocracies, ancient models like Athens, Carthage, and especially Rome, and modern models such as Venice, Florence, and above all England. Finally, Montesquieu displays no clear normative preference for republics over monarchies—his opprobrium being reserved for despotism -- or a clear preference for any specific form of republic. This is not to say that careful analysis of his work may not reveal that he ultimately does make such judgments. That said, he does not articulate an obvious and uncompromising standard of legitimacy by which to assess the various forms of regime. In fact, this is precisely Rousseau’s major complaint against him. In order to

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examine Rousseau’s debt to Montesquieu and his departure from him, then, we first have to sketch Montesquieu’s conception of republics.

As just mentioned, Montesquieu distinguishes three forms of government: republican, monarchical, and despotic. While these three forms will undergo some embellishment and alteration as Montesquieu proceeds, for example when he distinguishes between two forms of republic, democracy and aristocracy, this tripartite division frames his analysis in the Spirit of the Laws. Montesquieu outlines his initial division at the outset of Book II of his work where he discusses what he terms the “nature” of different forms of government. “There are three kinds of government: REPUBLICAN, MONARCHICAL and DESPOTIC,” he explains: “To discover the nature of each, the idea of them held by the least educated of men is sufficient. I assume three definitions, or rather, three facts: one, republican government is that in which the people as a body, or only a part of the people, have sovereign power; monarchical government is that in which one alone governs, but by fixed and established laws; whereas, in despotic government, one alone, without law and without rule, draws everything along by his will and his caprices” (SL II.1).

Montesquieu does mention “sovereign power” here, in relation to republics in particular, but it is not clear whether his notion of sovereignty applies only to republics, or whether it extends at least to the monarch who “governs” by fixed and established laws, or, finally, what exactly he means by “sovereign power” in the first place. At any rate, this is a rare mention of “sovereign power” in Montesquieu’s treatise, and the concept of sovereignty plays little role in his theory. The fact that some person or some group exercises the traditional powers of sovereignty at least seems only one among the “facts” he observes, and he seems more interested, at least for starters, in such “facts” than conceptual “definitions” of the forms of government. In the précis of the political principles of the Social Contract in his educational treatise, Emile, or On Education (1762), Rousseau therefore criticizes Montesquieu when he complains that for all his greatness his predecessor “was content to discuss the positive right of
established governments,” that is the “facts” concerning existing states, and then proclaims: “It is necessary to know what ought to be in order to judge soundly about what is.”

We might suspect that Montesquieu’s claim that he is following the ideas concerning these forms of government held by “the least educated of men” conceals a more learned and ambitious engagement with categorizations of regimes by previous thinkers. For example, Hobbes, whom he mentioned just a few pages earlier, distinguishes among kingship, aristocracy, and democracy by the number of those who possess sovereign authority (one, few, many), and also rejects the Aristotelian division of these three forms of government into proper and improper (e.g., kingship vs. tyranny). In turn, Montesquieu reintroduces a quasi-Aristotelian distinction when he distinguishes between monarchy and despotism, and yet he will follow Hobbes at least part way when he distinguishes two forms of republic, democracy and aristocracy, and does so initially in terms of Hobbesian head-counting. For his part, Rousseau returns to Hobbes by putting the emphasis decisively on the question of sovereignty and therefore also returns to the Hobbesian schema of kingship, aristocracy, and democracy, although inflected with a strong republicanism acquired in part from Montesquieu and reinterpreted to apply to forms of government (i.e., executive power) and not to forms of sovereignty, of which there is only one legitimate form for Rousseau. We shall return to this subject.

If the locus of the sovereign power or exercise of government determines the “nature” of the three forms of government, Montesquieu adds an important layer to his analysis when he turns to the “principle” that animates each form of government. “There is this difference between the nature of the government and its principle: its nature is that which makes it what it is, and its principle, that which makes it act. The one is its particular structure, and the other is the human passions that set it in motion” (SL III.1). Montesquieu’s basic understanding of these “principles” is derived in large measure from Descartes, and an echo of his understanding may be seen in Rousseau’s own use of the term in the

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Discourse on Inequality when he explains that he perceives in the human soul “two principles prior to reason” that move human beings to act. Montesquieu identifies three principles, one for each of the three forms of government: the principle of republics is virtue, that of monarchies is honor, and that of despotisms is fear (SL II.2-9). As for the principle of honor in monarchies, Montesquieu will admit that “philosophically speaking” -- as opposed to speaking merely “politically” -- the honor found in monarchies is a “false honor” (SL III.7). However, unlike Rousseau he does not dilate upon the corrupting effects of the desire for distinction, amour-propre, in monarchies. Rousseau is nonetheless in full agreement with Montesquieu in identifying the principle of republics as virtue, as we shall see, and his own understanding of republicanism owes much to Montesquieu’s discussion.

Montesquieu’s characterization of republics and the virtue required to sustain them is ultimately ambiguous. On the one hand, he is clearly awed by the achievements of republics, in particular the republics of antiquity. On the other hand, he seems to view the virtue required to make them act as definitely fragile and perhaps even monstrous. In addition, his later discussions of the English constitution and of commercial republics in general, which do not rely on strenuous virtue and which soften the very mores that martial republics require, might be viewed as a tacit rejection of the ancient republics he initially discusses in the work. In order to understand Rousseau’s response to Montesquieu, then, we shall first describe the generally admiring aspects of Montesquieu’s discussion of republics upon which Rousseau draws and then sketch Montesquieu’s reservations concerning republics.

Montesquieu begins his discussion of the principle of republics by emphasizing the particular need for virtue in a democratic republic: “There need not be much integrity for a monarchical or despotic government to maintain or sustain itself. The force of the laws in the one and the ever-raised arm in the other can rule or contain the whole. But in a popular state there must be an additional spring, which is VIRTUE.” Whereas monarchies and despotisms rely on human passions that are simple in their nature, the desire for honor and fear, respectively, republics require an additional spring to make them act that is

13 Rousseau, Discourse on Inequality, p.54.
14 See Montesquieu’s notes to III.5 and III.6 on “political virtue” as opposed to “moral virtue.”
not simple and not even natural. This statement already appears to inject a cautionary note, but Montesquieu’s tone in discussing republics, and foremost the ancient republics, is nonetheless admiring: “The political men [politiques] of Greece who lived under popular government recognized no other force to sustain it than that of virtue. Those of today speak to us only of manufacturing, commerce, finance, wealth, and even luxury” (SL III.3).

Rousseau could have written these lines. In fact, he practically did: he adapted this statement for his own purposes in the Discourse on the Sciences and the Arts: “The ancient politicians [politiques] spoke constantly of morals and virtue; ours speak only of commerce and money.” Likewise, in the Social Contract Rousseau echoes a similar appreciative comment by Montesquieu: “Most of the ancient peoples lived in governments that had virtue for their principle, and when that virtue was in full force, things were done in those governments that we no longer see and that astonish our small souls” (SL IV.4). Similarly, in the same work: “Base souls do not believe in great men; vile slaves smile mockingly at the word ‘freedom’” (SC III.12). In short, Montesquieu is one of Rousseau’s sources for his admiring portrayal of ancient republicanism.

The fact that, according to Montesquieu, virtue in aristocratic republics “is not as absolutely required” (SL III.4) in contrast to democratic republics suggests the main reason why virtue is requisite for democracies: because the people exercise self-rule, and self-rule requires self-restraint. In aristocracies a body of nobles exercises rule, and for this rule to be effective the aristocrats may possess the virtue characteristic of democratic republics but they need not. The body of nobles may “repress itself” either through “by a great virtue that makes the nobles in some way equal to their people, which may form a great republic,” drawing the aristocracy toward democracy, or through “a lesser virtue that renders the nobles at least equal among themselves, which brings about their preservation” (SL III.4).

Although this moderation is a form of virtue, it is a less demanding than the kind of virtue required in

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democratic republics. By contrast, the virtue required in democracies entails not moderation, but an extreme renunciation of self. Montesquieu explains that “education” is required to teach such self-renunciation, and that the ancient republics inculcated these lessons in virtue without any competing considerations, an accomplishment Montesquieu claims (in a nod to Machiavelli) is no longer possible in modern times because of the “education” in religion that opposes the lessons of the world (SL IV.4).

Montesquieu writes: “It is in republican government that the full power of education is needed. Fear in despotic governments arises of itself from threats and chastisements; honor in monarchies is favored by the passions and favors them in turn; but political virtue is a renunciation of oneself, which is always a very painful thing” (SL IV.5).

Montesquieu explains that political virtue can be defined as “love of the laws and the fatherland [patrie]. This love, requiring a continuous preference of the public interest over one’s own, produces all the individual virtues; they are only that preference” (SL IV.5). Strangely, his fullest definition of political virtue comes in his argument that monarchies do not require such virtue: “The state continues to exist independently of love of the fatherland, desire for true glory, self-renunciation, sacrifice of one’s dearest interests, and all those heroic virtues we find in the ancients and we know only by hearsay” (SL III.5). Whereas monarchies and despotisms do not have to rely on virtue and can instead rely on some much more reliable selfish passions, republics require non-selfish passions. Love of the fatherland and self-renunciation is “singularly connected with democracies,” Montesquieu states: “In them alone, government is entrusted to each citizen. Now government is like all things in the world; in order to preserve it, one must love it” (SL IV.5). Popular self-rule demands individual self-renunciation.

Rousseau offers a very similar formulation in his essay “Political Economy” (1755): “If you want the

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16 See Niccolò Machiavelli, Discourses on Livy, II.2, trans. Harvey C. Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1998): “Thinking then whence it can arise that in those ancient times peoples were more lovers of freedom than in these, I believe It arises from the same cause that makes men less strong now, which I believe is the difference between our education and the ancient, founded on the difference between our religion and the ancient.” See Paul A. Rahe, Soft Despotism. Democracy’s Drift: Montesquieu, Rousseau, Tocqueville, and The Modern Prospect (New Haven, CT: Yale University Press, 2009), p.19-20.
laws to be obeyed, make them beloved, so that for men to do what they should do, they need only think they ought to do it. That was the great art of the governments of antiquity.”

Montesquieu outlines two broad strategies used by democratic republics to infuse love of fatherland and self-renunciation: education and the management of social conditions, especially to encourage equality and frugality. In republics “everything depends” on creating love of fatherland through education (SL IV.5). Creating such love requires “singular” or “extraordinary institutions” created by “legislators” of the likes of Lycurgus (SL IV.6). Like Rousseau after him, Montesquieu takes Sparta as the exemplar of ancient republicans: “One must regard the Greeks as a society of athletes and fighters” (SL IV.8). Proper educational institutions in a republic direct the citizens’ passions toward the good of the fatherland rather than to their individual good. This same strategy of redirecting the citizens’ passions also underlies Montesquieu’s second strategy of managing social conditions to produce equality. “Love of the republic in a democracy is love of democracy; love of democracy is love of equality.” Love of equality entails harnessing the individuals’ natural love of preference and directing it toward a specific goal: “Love of equality in a democracy limits ambition to the sole desire, the sole happiness, of rendering greater service to one’s fatherland than other citizens” (SL V.3). One is reminded here of Rousseau’s portraits of the male and female citizen at the outset of Emile, where a Spartan man who loses his run for office and is nonetheless glad there are more worthy men than he in Sparta, and, more chillingly, where a woman Spartan is informed that her three sons have died in battle and tells the messenger that she was not asking about her sons but instead whether Sparta won.

Similarly, managing what we would term economic and social conditions is also necessary in democratic republics to reinforce love of equality. “Love of democracy is also love of frugality. As each one there should have the same happiness and the same advantages, each should taste the same pleasures and form the same expectations; this is something that can be expected only from the common frugality” (SL V.3). Again, like the love of equality, the love of frugality entails managing the individual’s desire

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18 Rousseau, Emile, p.40.
for preference, here economic advantage, and directing it toward a common goal. In Montesquieu’s analysis, love of equality and love of frugality are mutually supporting: “Love of equality and love of frugality are strongly aroused by equality and frugality themselves, when one lives in a society in which both are established by the laws” (SL V.4). The issue, then, is to establish them. In this context, Montesquieu again turns to the example of the ancient republics and, in anticipation of Tocqueville, to inheritance laws that prevent the accumulation of wealth in families. Equality, and especially the equality of relatively modest circumstances, in turn, produces frugality, and again we have a self-reinforcing mechanism. Yet Montesquieu here introduces the subject of commerce and argues that while the introduction of commerce into a republic can be done without corrupting mores if good mores have already been established, eventually inequalities in wealth will undermine the love of equality and love of frugality upon which the maintenance of the republic depends. In short, while the love of equality and love of frugality may be self-reinforcing once established, they are both difficult to establish and difficult to maintain. Perhaps for this reason, then, Montesquieu concludes his discussion of what legislation is appropriate to the principle of democracies with a suggestion that the creation of a senate can favor the principle of democracy. Through the example set by the virtue and example of a senate that preserved the mores needed in a democratic republic, the customs and mores that instilled the love of equality and love of frugality might be maintained (SL V.5-7).

Whatever Montesquieu’s enthusiasm for ancient republicanism, that enthusiasm has its limits. Despite his Rousseauian sounding statements about the awesome accomplishments of those republics of old animated by self-renouncing virtue, Montesquieu clearly views this achievement as fragile. Their fragility is due foremost to the fact that their principle, virtue, is not natural: “political virtue is a renunciation of oneself, which is always a very painful thing.” Republics work against the grain of human nature, as opposed to monarchies and despotisms (whether for good or ill). Republics require redirecting the human passions toward “the general good” (SL III.5 note) rather than the particular good of the individual, which is the foremost inclination of our nature. In describing this redirection of human
nature, Montesquieu adopts the language of particularity and generality familiar to readers of Rousseau.  

“The less we can satisfy our particular passions, the more we give ourselves up to general ones.” Yet it is hard to imagine Rousseau continuing this passage after Montesquieu’s fashion: “Why do monks so love their order? Their love comes from the same thing that makes their order intolerable to them. Their rule deprives them of everything upon which ordinary passions rest; what remains, therefore, is the passion for the very rule that afflicts them. The more austere it is, that is, the more it curtails their inclinations, the more force it gives to those that remain” (SL V.2). This is hardly a complimentary comparison for republics for Montesquieu. He appears ultimately to regard the requisite virtue of republics as not just fragile, but also monstrous.  

Two more ways in which Montesquieu appears to hesitate concerning republics or envisions a new sort of republicanism should be noted before turning to Rousseau’s. First, Montesquieu concludes his discussion of the principles of different governments by drawing a contrast between despotic governments and “moderate governments” (SL III.10). In moderate regimes, power is limited by its very “spring,” for example by honor in monariches. Later he will famously discuss institutional limitations on power in certain moderate regimes, such as in the English constitution as he presents it (SL XI.6). But which forms of government are “moderate”? Clearly despotism is not, and clearly monarchy-- at least as Montesquieu conceives of it-- is. What about republics? When discussing aristocratic republics, he argues that a certain kind of moderation can take the place of virtue as its principle (SL III.4). Although he will also later group at least aristocratic republics among “moderate governments” (SL VIII.8) it is not at all clear that he considers democratic republics to be “moderate.” This implication appears to be confirmed when he argues, just before turning to the English constitution: “Democracy and aristocracy are not free states by their nature. Political liberty is found only in moderate governments. But it is not

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20 See Pangle, Montesquieu’s Philosophy of Liberalism, esp. p.88-89; Rahe, Montesquieu and the Logic of Liberty, esp. p.73.
21 See Rahe, Montesquieu and the Logic of Liberty, p.69-70.
always in moderate states. It is present only when power is not abused, but it has eternally been observed that any man who has power is led to abuse it; he continues until he finds limits. Who would think it! Even virtue has need of limits” (SL XI.4). As he later writes of his book as a whole: “I say it, and it seems to me that I have written this work only to prove it: the spirit of moderation should be that of the legislator; the political good, like the moral good, is always found between two limits” (SL XXIX.1). If democratic republics are not moderate due to their need for excessive virtue, or due to the absence of certain limitations on power and therefore absence of liberty, then it is difficult to see that Montesquieu will be able to recommend them.

Second, and related to the question of the immoderation of democratic republics, if or insofar as Montesquieu presents the English constitution—a form of regime that was not prepared or at least not fully prepared by his earlier division of forms of government into republics, monarchies, and despotisms—as a model to follow, then it may be the case that he is signaling that he has left behind the sort of ancient republicanism discussed in the beginning of the work. 22 Unlike the democratic republics of the early part of the Spirit of the Laws, the institutionally constrained and also commercial republic he depicts there may be said to work with human nature rather than against it. This sort of republic does not require the self-sacrificial virtues demanded by democratic republics and instead appeals to the more selfish motives of self-preservation and gain. Such a vision of a regime based on self-interest rightly understood and mutual dependence is precisely the sort of supposed “masterpiece of the politics of our century” that Rousseau condemns in the political theorists of his time in the name of virtue. 23

Every Legitimate Government is Republican

If every legitimate government is republican, then Rousseau must condemn Montesquieu both for not being a republican, or at least not a forthright republican, and for not having a clear standard of legitimacy. Rousseau’s fullest and most revealing indictment of Montesquieu comes in Emile within the

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22 For Montesquieu on the English constitution, see Spirit of the Laws, XI.6 and XIX.17. See Pangle, Montesquieu’s Philosophy of Liberalism; Rahe, Montesquieu and the Logic of Liberty.
section of the work, “On Travel,” that contains a précis of the Social Contract.\textsuperscript{24} There, before summarizing the principles of political right exposed more fully in his political treatise, Rousseau situates his own political theory within modern political thought, and specifically in relation to theories of political right. “The science of political right is yet to be born, and it is to be presumed that it never will be born,” he writes in an odd statement for an author who is about to summarize his own political treatise, published a month earlier and subtitled “Principles of Political Right.” After citing Grotius and Hobbes as mere children in this science (and accusing Grotius of being a child of bad faith to boot), he turns to Montesquieu: “The only modern in a position to create this great and useless science was the illustrious Montesquieu. But he was careful not to discuss the principles of political right. He was content to discuss the positive right of established governments, and nothing in the world is more different than these two studies.”\textsuperscript{25}

Rousseau’s characterization of Montesquieu is interesting for understanding his relationship to his predecessor. He suggests that the illustrious philosopher’s failure to discuss the principles of political right was the result of caution, presumably caution in the face of possible political repercussions if he had been more open. There are good reasons to believe that Rousseau may be correct in this regard; after all, the Spirit of the Laws did meet with considerable criticism, although largely due to its treatment of religious issues. Further, scholars have documented various ways in which the author pulled his punches and only allowed his readers to glimpse the critical conclusions of his arguments.\textsuperscript{26} However, Rousseau also implies that he believed that his predecessor did in fact have a theory of political right that he suppressed or obscured. While a number of scholars have argued that Montesquieu is ultimately a theorist of natural right and tried to unearth the hidden foundation of his thought, this line of


\textsuperscript{25} Rousseau, Emile, p.458.

\textsuperscript{26} See Rahe, Montesquieu and the Logic of Liberty.
interpretation is controversial.\textsuperscript{27} Whatever the case may be with regard to Montesquieu’s thought or Rousseau’s understanding of it in this regard, Rousseau concludes that Montesquieu “was content to discuss the positive right of established governments.” How fair this characterization of Montesquieu may be is beyond the score of the present inquiry. What can be said with certainty, however, is that Rousseau’s objection to Montesquieu’s supposed procedure is that focusing on positive right without a theory of political right leaves one without a standard of judgment: “Nevertheless, whoever wants to make healthy judgments about existing governments is obliged to unite the two. It is necessary to know what ought to be in order to judge soundly about what is.”\textsuperscript{28} Since Rousseau offers the summary of the principles of political right in Emile primarily as a means for his eponymous pupil to judge existing governments in order to decide where to live, the emphasis on judging soundly is appropriate. If Montesquieu wrote a political treatise in which he was content to discuss positive right without speaking of political right, it might be said that Rousseau wrote a political treatise in which he limited itself to discussing the principles of political right without discussing the positive right of existing governments. Perhaps Rousseau thereby allows us to glimpse the full scope of his projected Political Institutions, which he abandoned and apparently destroyed.\textsuperscript{29} At any rate, it is clear that his fundamental objection to Montesquieu is that he did not ground his political thought on a theory of political right, which is precisely what Rousseau sets out to do in his Social Contract.

In order to understand Rousseau’s critical engagement with Montesquieu in the Social Contract, we first have to understand the terminology he develops in the treatise. In the chapter “On the Social Compact” (I.6), the importance of which is signaled by the fact that the chapter title is nearly the same as the title of the treatise itself, Rousseau argues that only a precisely defined social contract entailing a total alienation of each associate to the whole community can satisfy the requirement where “each, united with


\textsuperscript{28} Rousseau, Emile, p.458.

\textsuperscript{29} On his projected treatise, see Rousseau, Confessions, Collected Writings, 5: 349-41. In the “Notice” to the Social Contract, Rousseau writes: “This short treatise is extracted from a more extensive work, undertaken years ago without having consulted my strength and long since abandoned” (Major Political Writings, p.155).
all, nonetheless obeys only himself and remains as free as before.” This act of association produces a “moral and collective body” he terms a “republic,” which in turn he terms the “sovereign” in its active capacity when making law (SC I.6). The fact that Rousseau calls the state created by the social contract a “republic” already signals his argument that the only legitimate form of state, and of sovereignty, is republican.

Having defined the “sovereign” and related concepts such as the “general will” in the first two books of his treatise, Rousseau turns in Book III of the Social Contract to the “government,” or executive power, which he distinguishes from the “sovereign,” or legislative power. When introducing this discussion at the outset of Book III, Rousseau warns: “Before discussing the various forms of government, let us try to determine the precise meaning of this word, which has not yet been especially well explained” (SC III.Proemium). Does he mean that he has not yet explained the meaning of the term “government,” or does he mean that his predecessors—including Montesquieu—have not yet explained or understood it clearly? Recall that Montesquieu uses the term “government,” for example when discussing the various “natures” or forms of government (republican, monarchical, or despotic), or their specific “principles” (virtue, honor, and fear), to designate what might traditionally or loosely be called the “sovereign power.” Rousseau rejects this traditional usage when he insists on a precise definition of “sovereignty” as applying only to republics where the people, and only the people, collectively legislate in their capacity as “sovereign.”

In the chapter “On Government in General” (SC III.1), Rousseau signals the crucial importance of the distinction draws between the “sovereign” and the “government” when he begins: “I warn the reader that this chapter should be read with due care….” He explains: “We have seen that the legislative power belongs to the people, and can belong only to it. On the contrary, it is easy to see, by the principles established above, that the government cannot belong to the general public in its legislative or sovereign capacity, because this power consists solely in particular acts which are not within the province of the law nor, consequently, within that of the sovereign, all of whose acts can be nothing but laws” (SC III.1). Over the course of the next several chapters, Rousseau will discuss three forms of government:
democratic, aristocratic, and monarchical. Following Hobbes, he distinguishes among these various forms by how many individuals belong to the government (one, few, many), but whereas Hobbes distinguished forms of *sovereignty* in this manner, Rousseau distinguishes among the forms of *government*, for, unlike Hobbes, Rousseau distinguishes between the legislative and executive powers.\(^{30}\)

Montesquieu of course famously distinguishes among the legislative, executive, and judicial powers in the chapter of the *Spirit of the Laws* “On the Constitution of England” (XI.6), and in particular argues that a separate judicial power is necessary for political liberty. Further, he remarks that the legislative and executive powers (executive power being essentially power over foreign affairs) can safely be left to magistrates or to a permanent body “because they are exercised upon no individual, the one being only the general will of the state, and the other, the execution of that general will” (*SL* XI.6, p.158). If we see an anticipation here of Rousseau’s theory in Montesquieu’s concepts and terminology, the differences are nonetheless more important. For example, if Montesquieu emphasizes the separation of the judicial power because it is exercised on particular individuals and is less insistent on the separation of legislative and executive power, Rousseau insists on the separation of legislative power (which must be general in exercise) and executive power (which is necessarily particular in exercise), and also importantly and unlike Montesquieu insists on the full primacy of the legislative power, that is of the sovereignty of the people. In short, Rousseau’s perspective Montesquieu’s separation of the legislative and executive is not based on the proper understanding of the principles of political right.\(^{31}\)

Rousseau’s specific engagement with Montesquieu comes in his discussion of democratic government, that is, where the entire people acts as the executive power as well as the legislative power. Despite his reputation as a democratic theorist, Rousseau states: “In the strict sense of the term, a genuine democracy never has existed, and never will exist.” And he also argues it should not exist: “It is not good for he who makes the laws to execute them,” since it is all too easy to confound the necessary generality

\(^{30}\) As for Hobbes, after describing the compact that generates the commonwealth, he defines the “sovereign”: “And he that carrieth this person is called SOVEREIGN, and said to have Sovereign Power, and every one besides his SUBJECT” (*Leviathan*, chap. 17). For Hobbes on the three forms of sovereignty, see *Leviathan*, chap. 19.

\(^{31}\) See Rousseau’s discussion of “mixed government” in *SC* III.7, where he mentions the government of England.
in making the laws with the necessary particularity in executing the laws. “If there were a people of gods, it would govern itself democratically. So perfect a government is not suited to men” (III.4). Rousseau is indeed a democratic theorist, but a theorist of democratic *sovereignty* and not of democratic *governance*, in his understanding of the terms. Perhaps Rousseau’s deflationary remarks here are aimed at the ancient republics for which he otherwise shows such admiration, whose main failing from his standpoint might be their failure to distinguish between the legislative and executive powers, not to mention the fact that they did not have a correct theory of political right. Perhaps his remarks are also directed at the putative admirers of these ancient republics or, if not admirers, those who conceived of republics on such improper models, which would explain why Rousseau turns in this context to Montesquieu. After outlining the difficult conditions necessary for democratic governments, and especially in a discussion of the requirements of equality and frugality that draws heavily on Montesquieu’s discussion of democratic republics, Rousseau suddenly writes: “This is why a famous author has named virtue as the principle of a republic, for all these conditions could not endure without virtue. But for want of making the necessary distinctions, this noble genius has often lacked precision, sometimes clarity, and he failed to see that since the sovereign authority is everywhere the same, the same principle should apply in every well-constituted state—to a greater or lesser degree, it is true, according to the form of government” (*SC* III.4).

Rousseau’s decisive objection to Montesquieu is that he did not see that the sovereign authority is everywhere the same and, moreover, that he has confounded sovereignty with government.

This conjecture that Rousseau is accusing Montesquieu of having confounded these powers is supported by a statement he makes earlier in the *Social Contract* in the chapter “On Law” (II.6). Having argued that the only proper source of law is the whole people legislating for itself in such a way that the sovereign will is general in form as well as in its object and then commenting that a will that is particular in its form or its object is at best a decree of magistracy, he writes: “I therefore call a republic any state ruled by laws, whatever the form of administration may be: for then alone does the public interest govern and does the commonwealth truly exist. Every legitimate government is republican. I will explain later what government is” (*SC* II.6). To the phrase, “Every legitimate government is republican,” Rousseau
adds a note: “By this word [i.e., “republican”] I do not mean only an aristocracy or a democracy, but in
general any government guided by the general will, which is the law. In order to be legitimate, not only
must the government not be confounded with the sovereign, but it must be its minister. In this case,
monarchy itself is a republic. This will become clearer in the following book” (SC II.6 note). Rousseau
clearly has Montesquieu in mind here. But he offers a corrective of Montesquieu’s theory by arguing that
republics are not only aristocratic or democratic in form, as Montesquieu did, but also monarchical
(although he is clearly less enthusiastic about monarchy). Each of these forms of government, if properly
distinguished from sovereignty, is republican if the sovereign power of the state is itself republican. He
does not mention Montesquieu’s other form of government, despotism, because he is in agreement with
his predecessor: despotism is the rule by sheer will and not by law, so it cannot be republican by its very
nature. In short, Rousseau appropriates the three forms of government from Montesquieu that can be
reconceived on a republican basis, not as different regimes but as different forms of government, that is,
executive power.32

A hint of where Rousseau thinks Montesquieu went wrong comes earlier in this same chapter on
law. Asking “But what in the end, then, is a law?” he comments: “As long as people are satisfied with
attaching only metaphysical ideas to this word, they will continue reasoning without understanding one
another, and when they have stated what a law of nature is, they will not thereby have any better idea of
what a law of the state is” (SC II.6). Rousseau seems to have Montesquieu in mind here. In the first
taken in the broadest meaning, are the necessary relations deriving from the nature of things” (SL I.1).
After briefly discussing the laws of nature in the second chapter of this book, which includes a very
abbreviated account of the state of nature, he turns in the third chapter to positive laws, but without
posing any clear relationship between natural law (much less natural right) and positive law or political
right. Indeed, after noting that the force of a political society must be put into the hands of one or many,

32 In this light, Rousseau’s preference for aristocracy as a form of government (SC, III.5) may owe something to
Montesquieu’s suggestion that democratic republics should institute a senate.
Montesquieu ducks the question of legitimacy (at least in Rousseau’s eyes) and instead argues: “It is better to say that the government most in conformity with nature is the one whose particular disposition best relates to the disposition of the people for whom it is established.” Shortly afterward he adds: “Laws must relate to the nature and the principle of the government that is established or that one wants to establish, whether those laws form it, as do political laws, or maintain it, as do civil laws” (*SL* I.3). From Rousseau’s perspective, then, Montesquieu does not have an adequate understanding of law because he does not understand the proper source of the law: the natural rights of individuals who have alienated their rights to the sovereign of which they are members and who legislate for themselves in their capacity as citizens.

An indication of Rousseau’s different procedure in this regard comes from the fact that his own definition of political and civil laws comes only after having defined the source and nature of the laws, whereas Montesquieu’s definition of these two types of laws comes at the outset of his treatise and seems to already assume that there are different forms of government by their nature and principle. Specifically, in the last two chapters of Book II of the *Social Contract*, Rousseau discusses the two principal objects the laws should have, namely freedom and equality. These general objects of all good institutions, he explains, should be modified according to the different circumstances of each state, and in this context he refers to Montesquieu’s extensive discussion of the different objects of different states (*SC* II.11). Although this reference at first glance appears to be a praise of Montesquieu, the subtext is critical: Montesquieu did not see that all properly formed states should foremost aim at the end that he himself said was the principle of republics, that is, equality. We will take up the other goal, freedom, shortly.

Finally, in the last chapter of Book II Rousseau finally defines political and civil laws: political laws being the laws that regulate the action of the entire political body on itself (i.e., of the citizens considered as sovereign to the citizens considered as subjects) and civil laws being the laws that regulate the relations of the members to one another or to the entire body (*SC* II.12). For Rousseau, then, a correct understanding of political and civil laws can come only after having properly comprehended sovereignty and therefore law, which to his mind Montesquieu failed to do.
In sum, Rousseau’s main indictment of Montesquieu is that he did not see that sovereignty was everywhere the same and therefore he lacked both a proper understanding of the basis of the state and a critical standpoint from which to judge the positive right of existing states. This much is obvious. What we need to understand, then, is how his fundamental disagreement with Montesquieu concerning sovereign authority affects how he simultaneously draws on Montesquieu’s discussion of republics and answers his reservations about them.

**Rousseau’s Republic**

Let us begin with the similarities between Montesquieu’s and Rousseau’s conception of the republic in order to see how Rousseau draws on his predecessor. Before doing so, it must be admitted that both thinkers are indebted to the same ancient philosophical and historical sources, as well as to Machiavelli and other modern writers, for their understanding of ancient republicanism. Indeed, in his *Confessions* Rousseau relates how his childhood reading of Plutarch inflamed his imagination with visions of ancient virtue and childish attempts to imitate Scaevola, and all of this came long before he read Montesquieu. To this extent, then, Montesquieu is at best an intermediary inspiration for his conception of republics. What we must do, then, is focus on his explicit agreement with Montesquieu concerning republics: that the principle of republics is virtue.

Rousseau’s conception of republican virtue is remarkably similar to Montesquieu’s. Recall that Montesquieu defines political virtue as “the love of the laws and the fatherland.” Such love, he explains, requires “a continuous preference of the public interest over one’s own, produces all the individual virtues; they are only that preference” (*SL IV.5*). Finally, Montesquieu stresses that instilling this love in the citizens is the work of education. Numerous examples of similar statements could be adduced throughout Rousseau’s writings, but his discussion of virtue in the essay “Political Economy” will suffice. “Do you want the general will to be fulfilled? Make sure that all particular wills are related to it; and since virtue is only this conformity of the particular will to the general, to say the same thing briefly, make virtue reign.” In explaining his statement, Rousseau draws upon Montesquieuan language of the

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“spirit” (esprit) of institutions and the “spring” (ressort) that makes them act: “If political thinkers [politiques] were less blinded by their ambition, they would see how impossible it is for any establishment whatever to function in the spirit [esprit] of its institution if it is not directed in accordance with the law of duty. They would feel that the greatest wellspring [ressort] of public authority lies in the hearts of the citizens, and that for the maintenance of the government, nothing can replace good morals.” Again, like Montesquieu, Rousseau explains that making virtue reign entails making the citizens love their duty, and that this is the effect of education. “It is not enough to say to the citizens, be good. It is necessary to teach them to be so, and example itself, which is the first lesson in this regard, is not the only means that must be used. Love of fatherland is the most effective, for as I have already said, every man is virtuous when his particular will conforms on all matters with the general will, and we willingly want what is wanted by the people we love.” Finally, also like Montesquieu, Rousseau connects virtue with love of the fatherland: “Do we want peoples to be virtuous? Let us start by making them love their fatherland.”34

Rousseau’s understanding of the conditions under which such republican virtue can exist also owes much to Montesquieu. Staying with the essay “Political Economy” for a moment, after having emphasized the importance of love of virtue and the fatherland, Rousseau argues that one of the government’s chief tasks is to avoid inequalities of wealth “in order to maintain, along with good morals, respect for the laws, love of fatherland, and a vigorous general will.”35 Turning to the Social Contract, we see Rousseau explicitly cite Montesquieu on the need for equality and frugality in a democracy. As noted above, in his discussion of democratic government, Rousseau elaborates all the difficulties entailed by a “true” democracy, that is, a state in which the people not only has the legislative power but also exercises the executive power of government. “Furthermore, think of how many things this form of government presupposes which are difficult to combine,” including a very small state where the citizens can know one another, great simplicity of morals, great equality of ranks and fortunes, and, finally, little

or no luxury. Having laid out these difficulties, then, Rousseau reveals his debt to Montesquieu here: “This is why a famous author has named virtue as the principle of a republic; for all these conditions could not endure without virtue” (SC III.4).

At this point in the *Social Contract*, as we have seen, Rousseau criticizes Montesquieu for having not seen that the sovereign authority is everywhere the same. But what is Rousseau’s own point in this context? He agrees with Montesquieu that a strict or “true” democracy is impossible or at least extremely fragile, but his reasons for doing so are somewhat different. Whereas Montesquieu’s focuses on the unnaturalness of virtue understood as self-renunciation, Rousseau regards democratic governance as beyond the reach of human beings because the necessarily particularistic acts of government will contaminate the generality required for true legislative acts. If virtue consists in following the general will, then democratic governance erodes virtue in this sense. More importantly, though, while Rousseau agrees in this way with Montesquieu concerning the problems of democratic government, he does not thereby join him with respect to democratic sovereignty. Rousseau thinks democratic republics possible where Montesquieu regards them as admirable but at best fragile and possibly monstrous. Rousseau believes that the virtue requisite for democratic sovereignty is in fact possible.

As we have seen, Montesquieu’s doubts concerning republics center around the self-renunciation required of the virtue necessary for such republics is “always painful” since it goes against the grain of human nature. Part of Rousseau’s vision of the practicability of a republic, then, relies upon his different assessment of the degree to which the passions of human beings can be redirected from natural selfishness to public-spiritedness. Such a redirection of self-love is possible because of the plasticity of human nature, or what Rousseau terms the uniquely human capacity of “perfectibility.”

In the *Discourse on Inequality*, Rousseau famously argues that human beings are distinguished by the “faculty of perfecting himself” or “perfectibility” (*perfectibilité*). Whatever else this unique faculty may entail, it is foremost a way for Rousseau of naming the malleability of our passions and faculties. Even though human beings are by nature directed by two “principles”—self-love and pity, with self-love

36 Rousseau, *Discourse on Inequality*, p.72.
being primary—these fundamental passions are subject to numerous modifications, especially as they develop in society along with the other faculties, notably reason. This faculty generally leads to man’s corruption, according to Rousseau, but it might also be directed by education or proper social institutions in such a way as to make men virtuous and happy. He may have been inspired in part for his argument concerning perfectibility by Montesquieu, who also appreciates the malleability of human nature. More specifically, in the very first chapter of the *Spirit of the Laws*, in discussing laws in their most general sense, Montesquieu writes: “Man, as a physical being, is governed by invariable laws like other bodies. As an intelligent being, he constantly violates the laws god has established and changes those he himself establishes; he must guide himself, and yet he is a limited being… Made for living in society, he could forget his fellows; legislators have returned him to his duties by political and civil laws” (*SL* I.1). Unlike Montesquieu, however, Rousseau argues that human beings are not, in fact, made for society. Paradoxically, this very radical asociality, in the sense of a lack of any specific directedness of our nature beyond our self-love, makes the art of the legislator even more powerful in Rousseau’s theory in molding individuals into virtuous citizens.

In the chapter of the *Social Contract* devoted to the legislator or lawgiver (*légitimateur*), Rousseau highlights the legislator’s task of refashioning human nature in order to make men capable of virtue and self-legislation. “He who dares to undertake to establish a people’s institutions must feel that he is capable of changing, so to speak, human nature; of transforming each individual, who by himself is a complete and solitary whole, into a part of a greater who from which that individual receives as it were his life and his being; … of substituting a partial and moral existence for the physical and independent existence we have all received from nature” (*SC* II.7). In *Emile*, at the point in the work where he gives the examples of the Spartan male and female citizens mentioned above, Rousseau terms this process “denaturing”: “Good social institutions are those that best know how to denature man, to take his absolute existence from him in order to give him a relative one and transport the *I [moi]* into the common unity, with the result that each individual believes himself no longer one but a part of the unity and no longer
feels except within the whole.”

Nonetheless, the terminology of “denaturing” is potentially misleading. In the passage from the *Social Contract* quoted just above he states that the legislator must change human nature “so to speak.” “Denaturing” involves not entirely taking away our nature, but instead redirecting its very “principles” of self-love and pity toward ends that are not themselves natural.

A full analysis of how the asocial nature of human beings can be redirected toward social or political ends is beyond the scope of the present analysis, but some idea of what Rousseau has in mind can be gleaned from his highly Montesquieuian treatment in the essay “Political Economy” of love of virtue and love of the fatherland. Within his discussion there of the importance of education for instilling virtue and patriotism, Rousseau suggests that the natural passion of self-love can be redirected to produce virtue: “It is certain that the greatest miracles of virtue have been produced by love of fatherland. By combining the force of amour-propre with all the beauty of virtue, this sweet and ardent feeling gains an energy which, without disfiguring it, makes it the most heroic of the passions. It produced the many immortal actions whose splendor dazzles our weak eyes, and the many great men those antique virtues have been thought to be fables ever since love of fatherland has been turned to derision.”

Similarly, somewhat further on he explains of the process of civil education: “If, for example, they are trained early enough never to consider their persons except as related to the body of the State, and not to perceive their own existence, so to speak, except as part of the state’s, they will eventually come to identify themselves in some way with this larger whole; to feel themselves to be members of the fatherland; to love it with that delicate feeling that any isolated man feels only for himself; to elevate their soul perpetually toward this great object; and thereby to transform into a sublime virtue this dangerous disposition form which all our vices arise. Not only does Philosophy demonstrate the possibility of these new directions, but History provides a thousand stunning examples.”

This process of redirecting the primary human passions can be rephrased in terms of “generality” and “particularity” Rousseau utilizes foremost in the *Social Contract*, terminology which we also saw Montesquieu use in speaking of the self-renouncing virtue

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required in republics. If the individual can be taught to see himself as a part of the political whole, his passions and will are directed toward general objects—the “general will”—rather than toward particular objects—the “particular will.” This process is not precisely the self-renunciation Montesquieu describes, but is rather a reconceptualization of self. In short, for Rousseau the very plasticity of human beings’ natural passions allows them to be redirected toward the virtue needed for republics.

One piece of the puzzle remains, however. Within this same context from the “Political Economy” which we have just discussed and which owes so much to Montesquieu, Rousseau writes: “The fatherland cannot subsist without freedom, nor freedom without virtue, nor virtue without citizens.”⁴⁰ If patriotic virtue is the “principle” of a republic, then freedom is no less important. Recall that every legitimate state for Rousseau has both equality and freedom for its principal objects of legislation. Montesquieu argues that equality is among the conditions necessary for a republic, but he does not associate freedom with republics. By contrast, for Rousseau, freedom is both an achievement of republics and a necessary condition of their very legitimacy.

In the Spirit of the Laws, in the chapter to which Rousseau alludes when he gives its author the back-handed compliment of having lengthily discussed the various ends of different states, Montesquieu states that there is one nation whose constitution has “political liberty for its direct purpose,” namely England, or at least England as Montesquieu depicts it (SL XI.5). Rousseau does not share his assessment of English liberty: “The English people thinks it is free; it is greatly mistaken. It is so only during the election of members of Parliament; as soon as they are elected, it is a slave, it is nothing” (SC III.15). Even if he is elsewhere more charitable to the English, his and Montesquieu’s evaluations in this regard are less about their notions of the English constitution than due to a different conception of political freedom. Montesquieu’s celebrated portrait of the English constitution comes in Book XI of the Spirit of the Laws, which concerns political liberty. After noting that the term “freedom” has been given various and contradictory significations, and also that it has been falsely associated with democratic government (SL XI.2), he provides his own definition: in a state ruled by laws, “liberty can consist only in having the

power to do what one ought to want to do and in no way being constrained to do what one ought not want to do” (SL XI.3). One can imagine Rousseau subscribing to this conception of freedom assuming the force of the “ought” is properly understood. However, Montesquieu specifies what he means by political liberty: “Political liberty in a citizen is that tranquility of spirit which comes from the opinion each one has of his security” (SL XI.6 beginning). In this context, Montesquieu associates this notion of political liberty with institutional checks on power, especially by separating the judicial power. As noted above, he therefore does not consider republics to be free by their nature, and the passage is worth quoting anew: “Democracy and aristocracy are not free states by their nature. Political liberty is found only in moderate governments. But it is not always in moderate states…. Who would think it! Even virtue has need of limits” (SL XI.4). Rousseau does not have such a positive view of tranquility of mind, associating it with servitude (see Social Contract I.4), and for him virtue does not consist in moderation. In short, Rousseau has a different understanding of freedom that he associates with the self-rule of what Montesquieu would term a democratic republic.

The basic outlines of Rousseau’s social contract theory are familiar, so we need only highlight those features that illuminate the different understanding of freedom and the different role freedom plays in his theory compared to Montesquieu’s. The first thing to note is obvious but important: Rousseau is a social contract thinker and Montesquieu is not. Unlike Rousseau, Montesquieu does not argue that it is always necessary to go back to a first convention, either because he does not have a strong conception of natural freedom or natural right, or at least does not obviously build his theory on such a conception, or because, like Hume, he considers social contract theories either historically false or politically dangerous.41 Second, Rousseau puts freedom front and center in his conception of the social contract: “‘How to find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each, uniting with all, nonetheless obeys only himself and remains as free as before’” (SC I.6). Freedom is self-legislation, and in the political association this

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freedom is necessarily expressed as collective self-legislation. The act of association produces a collective body that “formerly took the name city, and now takes that of republic” (SC I.6), he explains, revealing in a single phrase both his debt to Montesquieu and his departure from him.

While, like Montesquieu, he recognizes that an individual “can, as a man, have a particular will contrary to or differing from the general will he has as a citizen,” a gap that Montesquieu indicates in voicing his concerns about the love of virtue and love of fatherland required by a republic, Rousseau argues that this gap must be closed for the sake of the good of the republic as well as that of the individual: “that whoever refuses to obey the general will be constrained to do so by the whole body, which means nothing else but that he will be forced to be free.” Not a sentence one can imagine finding in Montesquieu. Forcing the citizen to be free, Rousseau explains, “guarantees him against all personal dependence” (SC I.7), and also enables a being who has enjoyed only natural freedom, the ability to do what one wants, to achieve the civil and moral freedom of true collective and individual self-legislation (SC I.8). One might say that Montesquieu sets his sights lower. The sort of self-rule Rousseau has in mind, and especially collective self-rule, is to his mind rare and fragile, the freedom that consists in the opinion of one’s security more durable and preferable. Far from being corrupting and enslaving, personal dependence properly managed is, for Montesquieu, part of the civilizing process achieved above all by commerce, and Montesquieu is a leading proponent of the theory of doux commerce that Rousseau so fiercely opposes.

The primacy that freedom understood as self-legislation plays in Rousseau’s political theory may either be due to the weight that the Citizen of Geneva’s puts on such freedom itself, or to the role that he believes personal dependence plays in our slavery and corruption, or both. But his conception of freedom is connected to the other aspects of his thought we have discussed assessing his debt to and difference from Montesquieu, including his theory of popular sovereignty and his conception of virtue. The connection between freedom understood as self-rule and popular sovereignty is obvious, and Rousseau’s criticisms of Montesquieu for not having a proper understanding of the basis of law and for not seeing that the sovereign authority is everywhere the same are thus related. If humans are by nature free by
virtue of their natural right, then for Rousseau that freedom cannot be simply traded away for security, as in Hobbes, or transferred to a legislative power, as in Locke, but must somehow remain to citizens in the form of collective self-legislation. From his point of view, Montesquieu lacks both a theory of natural freedom or right and a theory of popular sovereignty. Republicanism is not just one form of government, but the only legitimate form. The case is similar for Rousseau’s conception of virtue. For Rousseau, virtue understood as self-legislation through the general will is part and parcel of political freedom. Such virtue is possible, in part, because of the malleability of human nature and, as noted above, the role of the legislator and of civic education is greatly expanded in Rousseau as compared to Montesquieu. In short, popular sovereignty, political freedom, and virtue are intimately connected in Rousseau’s thought in a way that they are not in Montesquieu’s despite his debt to his predecessor for at least part of his republican vision.

Conclusion

If philosophy has been said to have been a footnote to Plato, then Rousseau’s republicanism has been characterized as a footnote to Montesquieu’s political theory, a kind of republican synecdoche where a part of his predecessor’s grand political vision is extracted and made the sole focus of attention. Judith Shklar offers something like this in her consideration of the relationship between the republicanism of the two thinkers. Arguing that Montesquieu showed the impossibility of classical republicanism in the modern world, she writes: “if the republican past was not to become irrelevant it would have to be imaginatively recreated or to be explicitly replaced by a new expansive republicanism to fit the modern political world. Rousseau responded to the first of these intellectual possibilities, while the authors of The Federalist pursued the second one. Both were deeply indebted to Montesquieu.” Shklar proceeds in her analysis to argue that Rousseau revived the classical republicanism that Montesquieu ultimately rejected as a critical device to indict modern politics, as a “mirror” of a democratic and egalitarian politics that

would reveal to modern peoples the extent of their corruption, and not as a practical political proposal.  

Paul Rahe’s assessment of the relationship between the two thinkers is closer to the present analysis:

“Montesquieu’s description of the ancient republics and his analysis of their character Rousseau thought entirely just, but he did not share” his misgivings about ancient republicanism: “In fact, the very features of classical republicanism that had occasioned such misgivings on Montesquieu’s part were the features that Rousseau found most attractive.”

The present study has suggested that Rousseau does indeed borrow from Montesquieu’s account of democratic republics, but that he resurrects this republican theory on a new basis that enables it to be put into practice. While he agrees with Montesquieu that democratic government is impossible, he envisions a workable democratic sovereignty that molds the malleable nature of men and transforms them into civic-minded citizens and that binds virtue, freedom, and the exercise of sovereign authority together in a vision of a legitimate politics.

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